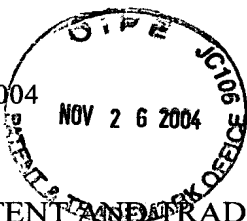


Application No. 09/620,521

Paper Dated: November 23, 2004

In Reply to Office Action dated November 16, 2004

Attorney Docket No. 0964-001183



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/620,521 Confirmation No. 2919
Applicant : **Theodor ABELS et al.**
Filed : July 20, 2000
Title : **INDUSTRIAL TRUCK WITH A STABILIZING DEVICE**
Group Art Unit : 3661
Examiner : Dalena Tran
Customer No. : 28289

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO PATENT AND TRADEMARK
OFFICE COMMUNICATION MAILED NOVEMBER 16, 2004**

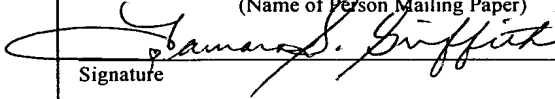
Sir:

Applicants' attorneys acknowledge receipt of the communication from the Patent and Trademark Office mailed November 16, 2004 in which the Examiner has indicated that Applicants' Appeal Brief is defective because the Appendix of claims appealed has not been included.

As the undersigned advised Ms. Tran, when the Appeal Brief was filed Appendix A containing the appealed claims was attached to the Appeal Brief. A copy of the

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 23, 2004.

Tamara S. Griffith
(Name of Person Mailing Paper)


Signature Date 11/23/2004

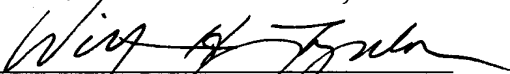
postcard showing that the original and two copies of Appendix A were submitted to the Patent and Trademark Office on August 23, 2004 and bearing the receipt stamp of the Patent and Trademark Office dated August 25, 2004 is enclosed. Three copies of Appendix A are enclosed herewith.

The communication of November 16, 2004 also says that in section IV, lines 4-5, the Appeal Brief refers to an Amendment dated November 16, 2001, but there is no such amendment dated November 16, 2001 in the application. In fact, the Amendment referred to was deposited November 16, 2001 with the United States Postal Service with a Mailing Certificate dated on the same day. However, the Amendment was not acknowledged by the Patent and Trademark Office until January 14, 2002. The Amendment referred to in section IV, lines 4-5, is the same Amendment deposited November 16, 2001 and acknowledged January 14, 2002.

In view of the foregoing, it is respectfully requested that processing be continued on the Appeal. Should there be any other questions, please contact the undersigned.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 

William H. Logsdon
Registration No. 22,132
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com

The dating stamp of the Patent Office on this card will be taken as an indication that the accompanying paper was filed.

Applicant(s) Theodor ABELS et al.

Serial No. 09/620.521

Paper dated August 23, 2004

Atty's File No. 964-001183

Amounts of Checks \$950.00 & \$330.00

Initials WHL/LNF/pml

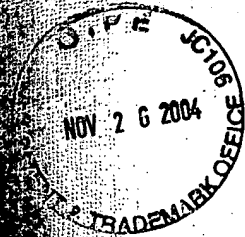
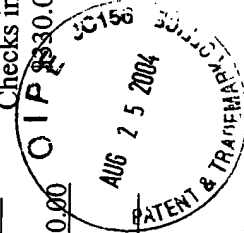
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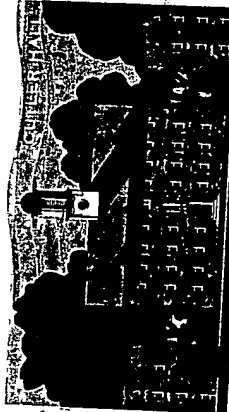
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APPEAL BRIEF
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APPENDIX A
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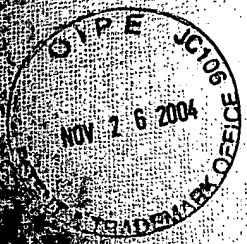
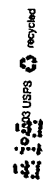




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AUG 30 2004

Webb Ziesenheim Logsdon Orkin & Hanson, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818



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APPENDIX A

1. An industrial truck, comprising:
 - a plurality of wheels;
 - a load lifting system;
 - a drive system;
 - a stabilizing device configured to prevent tipping of the truck and comprising a plurality of wheel load sensors, each load sensor connected to an individual wheel and configured to measure a wheel load; and
 - a monitoring device, wherein the load sensors are connected to the monitoring device which is configured to control or regulate at least one of the load lifting system and the drive system of the truck based on the wheel load sensor data,
 - wherein at least two wheels of the truck have a speed-of-rotation sensor connected to the monitoring device, and
 - wherein the truck includes a front axle and at least one wheel on the front axle of the truck has a wheel bearing with an integrated wheel load sensor.
2. The industrial truck as claimed in claim 1, wherein the monitoring device is effectively connected with actuator units for at least one of inclination of a lifting mast, adjusting the height of a load, adjusting vehicle speed, adjusting vehicle acceleration, adjusting braking intensity, and adjusting steering angle.
3. The industrial truck as claimed in claim 1, wherein the wheel load sensors are provided on all the wheels of the truck.
4. (Canceled)
5. The industrial truck as claimed in claim 1, wherein the monitoring device includes an evaluation unit configured to determine at least one of transverse tipping forces, longitudinal tipping forces, tipping moments, and load weight.

6. (Canceled)

7. The industrial truck as claimed in claim 1, wherein each speed-of-rotation sensor is integrated into a wheel bearing.

8. The industrial truck as claimed in claim 1, wherein the monitoring device includes an evaluation unit configured to measure the speed of the truck.

9. The industrial truck as claimed in claim 1, wherein the monitoring device is connected to a display unit for displaying at least one of a load, a load moment, a truck speed, an acceleration, a turning radius, and tipping forces.

10. The industrial truck as claimed in claim 1, wherein the industrial truck is a counterbalanced fork lift truck.

11. The industrial truck as claimed in claim 1, wherein the two wheels with the speed-of-rotation sensors are located on the same axle.

12. The industrial truck as claimed in claim 2, wherein the wheel load sensors are provided on all the wheels of the truck.

13. The industrial truck as claimed in claim 2, wherein at least one wheel on each side of a front axle of the truck has a wheel bearing with an integrated wheel load sensor.

14. The industrial truck as claimed in claim 2, wherein the monitoring device includes an evaluation unit configured to determine at least one of transverse tipping forces, longitudinal tipping forces, tipping movements, and load weight.

15. The industrial truck as claimed in claim 3, wherein the monitoring device includes an evaluation unit configured to determine at least one of transverse tipping forces, longitudinal tipping forces, tipping moments, and load weight.

16-20 (Canceled)